

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**And**

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO.14877 of 2006**

21<sup>st</sup> July 2006

Between:

1. The Commissioner of Police, Hyderabad City, Hyderabad.

And three others.

**...PETITIONERS**

**AND**

Vibhudi, Venkateshwarlu, S/o.Buchaiah, 29 years, SI of Police (Civil),  
Hyderabad Range, Hyderabad, Market Police Station, Secunderabad.

**...RESPONDENT**

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**And**

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO.14877 of 2006**

**ORDER:** (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard the learned Government Pleader for Services I appearing on behalf of the petitioners and Sri J.R.Manohara Rao, the learned counsel appearing on behalf of the respondent.

At their request, the Writ Petition itself is taken up for disposal at the stage of admission.

The petitioners seek a Writ of Certiorari, *inter alia*, seeking to assail the final order passed in an application filed to vacate the interim order dated 26.06.2006 granted earlier in V.M.A.No.33 of 2006 in O.A.No.6149 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad ('the Tribunal' for brevity).

The facts, which are necessary for disposal of this Writ Petition, are that the respondent herein was appointed as a Sub-Inspector of Police. He filed O.A.No.6149 of 2005 challenging the order of

termination of probation. *Prima facie*, having satisfied that the same being contrary to the instructions issued by the authorities themselves and Rule 16 (a) of Andhra Pradesh State and Subordinate Service Rules, 1996 ('the Rules' for brevity), the Tribunal granted interim stay on 18.10.2005. Subsequently, the petitioners filed a detailed counter affidavit and sought for vacating the stay order. However, the Tribunal did not find favour with the reasons given in support of the application and ultimately, held that the impugned order is to be totally rejected in regard to any reason as specifically directed by themselves in Govt.Memo.No.4532/Ser.D/2002-3 dated 01.01.2003 and as the same is in the teeth of Rule 17 (a) (ii) of the Rules thereof, the interim order was made absolute. Hence, the Writ Petition.

Having heard on either side and on perusal of the material available on record, we are in entire agreement with the reasons given by the Tribunal. On the face of it, the order does not indicate any reason that it is mandatory and as required under the law. Having regard to the same, the counsel on either side submitted that for the said reasons, the O.A.No.6149 of 2005 may be disposed of allowing the petitioners to pass fresh orders.

Accordingly, the Writ Petition is disposed of and the impugned order dated 27.08.2005 is set aside with liberty to the petitioners to pass fresh orders on merits in accordance with law. Consequently, O.A.No.6149 of 2005 stands disposed of on the same terms. The petitioners shall pass fresh orders within a period of three weeks from the date of receipt of a copy of this order. No costs.

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**(B.PRAKASH RAO, J)**

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**(RAMESH RANGANATHAN, J)**

21<sup>st</sup> July 2006

Note: CC by one week

B/O  
RRB